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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,932

04/13/2004

Keiko Ishibashi

111-04

4453

27569

7590

02/21/2007

PAUL AND PAUL

2000 MARKET STREET

SUITE 2900

PHILADELPHIA, PA 19103

EXAMINER

WEINSTEIN, STEVEN L

ART UNIT

PAPER NUMBER

1761

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

02/21/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/21/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/822,932

Applicant(s)

ISHIBASHI ET AL.

Examiner

Steven L. Weinstein

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1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/6/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozai et al (JP 2001-17099) in view of Kishida et al (JP 9-163943), Iwamoto et al (6,316,042), Numata et al (JP2000-166491), Takami et al (JP 9-322725), Takami et al (6,436,462) and applicants admission of the prior art, further in view of Monte (3,914,524), Gebert et al (6,063,402), Morningstar (3,294,523) and Nakamura et al (6,045,847).

In regard to claims 1 and 5, Kozai et al discloses cooked rice and a method of producing cooked rice wherein the rice has added to it a saccharide such as trehalose, a gum such as guar or xanthan, and amylase (an enzyme). Kozai et al discloses the cooked rice will have good low temperature properties, which is applicants objective as well. Claim 1 differs from Kozai et al in the particular saccharide, since the claim recites a soybean polysaccharide. As evidenced by Numata et al, it was conventional in the art to impart good keeping qualities to cooked rice at chilled temperatures by adding to the rice either trehalose or soybean derived hemicellulose. Thus, Numata et al teaches the equivalency of the two for use in cooked rice preservation. To modify Kozai et al and substitute the soybean derived polysaccharide for the trehalose for its art recognized and applicants intended function would therefore have been obvious. Claim 1 also recites a sugar alcohol. As evidenced by both Kishida et al and Iwamoto et al, it was

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well established in the art to enhance cold storage preservation of cooked rice by adding both trehalose and a sugar alcohol and Takami et al ('642) actually states that trehalose is a sugar alcohol. Note, too, that Takami et al discloses adding amylase, sugar alcohols and polysaccharides to the cooked rice. Applicants specification does not clearly state why the conventional sugar alcohol is added to the rice, but the specification does acknowledge that among the many ways the prior art has prevented the negative impact of cold storage on cooked rice (including addition of enzymes, trehalose, hemicellulose, sugar alcohol, etc.) is to add water. Applicants admission of the prior art makes a reference to binding the water as well. Applicant is requested to submit any art that he is aware of that confirms that the sugar alcohol in the art was known to bind water in the cooked rice. Since the art is predominantly in presumably applicants native tongue, applicant can presumably read beyond the abstracts.

Certainly moisture retention is an inherent property of a sugar alcohol as evidenced by Monte. In any case, Kozai et al discloses guar or xanthan gum employed as thickeners. Thickeners inherently have the property of binding or retaining or immobilizing water.

See, for example, in this regard, Gebert et al (col.1, para.2) and Morningstar (col.

1,para.9). Therefore, it would have been obvious in view of the art taken as a whole, to either add the sugar alcohol to the composition of Kozai et al or substitute one water retaining agent for another (i.e. the sugar alcohol for the gum), both for its art recognized and applicants intended function. Takami et al ('725) is relied on as further evidence of adding multiple ingredients to cooked rice that is to be stored at cold temperatures, e.g., an enzyme, a saccharide and a surfactant. Nakamura et al is relied

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on as further evidence of the conventionality of combining a soybean polysaccharide and a sugar alcohol in a cooked rice. Claims 2-4 and 6 are rejected for the reasons given above. In regard to claim 3, the particular conventional sugar alcohol employed is seen to have been an obvious matter of choice. It is also noted that as pointed out above, the art taken as a whole discloses various mechanisms to enhance cold storage of cooked rice, and that two or more mechanisms can be combined to enhance cooked rice storage. It is also noted that the specification has provided some results of testing. However, the data is not seen to be sufficiently detailed and quantified. For example, there is no discussion of the number of trials performed to be able to analyze reproducibility. Also, the data is qualitative. There is no discussion as to who made the qualitative determinations or how many people were involved. Also, one would expect that combining two or more mechanisms to improve storage would yield a better result than a lesser number of different mechanisms.

Claims 1,2,4, and 5 are also rejected under 35 U.S.C. 102(b) as being unpatentable over Iwamoto (6,316,042), as further evidenced by Takami et al (6,436,462).

In regard to the claims, Iwamoto discloses cooked rice for chilling or freezing, which rice has added to it soybean polysaccharide, amylase and trehalose; the later being a sugar alcohol as evidenced by Takami et al('462). Therefore, Iwamoto anticipates the claims and would inherently have any properties or capabilities that the recited product possesses.

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Claims 3 and 6 are rejected under 35USC103(a) in view of Iwamoto as further evidenced by Takami et al ('462).

As noted above, the particular conventional sugar alcohol one selects is seen to have been an obvious matter of choice. Note, too, that Takama et al ('462) discloses combining amylase, a polysaccharide and a sugar alcohol with cooked rice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven L. Weinstein whose telephone number is 571-272-1410. The examiner can normally be reached on Monday-Friday 7:00 A.M.-2:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Steve Weinstein*  
STEVE WEINSTEIN  
PRIMARY EXAMINER 1761  
2/15/06